

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/660,344
Applicant : Darin Barri et al.
Confirmation No. : 5151
Filed : September 10, 2003
TC/A.U. : 3711
Examiner : Urszula M. Cegielnik
Customer No. : 27896
Docket No. : MAT 3H5 / 14978
Title : Breath Sensitive Toy

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 & 1.98

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form (PTO/SB/08A).

Applicant hereby submits the attached IDS under:

- ☐ 37 C.F.R. 1.97(b) (i.e., within three months of the filing date of the application; within three months of the date of entry of the national stage application; before the mailing of a first Office action; or before the mailing of a first Office action after the filing of a request for continued examination).
- ☒ 37 C.F.R. 1.97(c) (i.e., after the mailing of a first Office action, but before the close of prosecution). The IDS is accompanied by *one* of: The appropriate statement (indicated on Form PTO/SB08a) or (2) the fee set forth in § 1.17(p).
- ☐ 37 C.F.R. 1.97 (d) (i.e., after the close of prosecution, but on or before payment of the issue fee). The IDS is accompanied by *both* of (1) the appropriate statement (indicated on Form PTO/SB08a) and the fee set forth in § 1.17(p).

- ☐ The IDS cites foreign documents not in English. Pursuant to 37 C.F.R. 1.98(a)(3), a concise explanation of the relevance is provided as indicated below:
- ☐ Enclosed is a copy of a non-English publication(s) _____. Applicant submits an English-language version of the search report or action, which cites such non-English language publication(s) and indicates the degree of relevance found by the foreign office.
 - ☐ Enclosed is a copy of a non-English publication(s) _____. Applicant submits an English language abstract of the non-English publication(s).
 - ☐ Other:
- ☐ The IDS cites foreign patent documents in English and/or Non-Patent Literature (NPL) Documents. Applicant submits a copy of the Abstract or of the complete publication.
- ☐ Pursuant to 37 C.F.R. 1.98(a)(2)(iii), enclosed is a copy of pending patent Application Serial No. _____.
- ☐ No copies of the non-English or non-patent publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. _____, to which the above-identified application claims priority under 35 U.S.C. §120.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The Director is hereby authorized to charge any additional appropriate fees that may be required for the above-identified application, and to credit any overpayment, to Deposit Account No. **05-0460**.

Dated: March 31, 2008

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Respectfully submitted by:

/Thomas W. Lynch/
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10660344
Filing Date	2003-09-10
First Named Inventor	Darin Barri
Art Unit	3711
Examiner Name	Urszula M. Cegielnik
Attorney Docket Number	MAT 3H5 / 14978

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- ☐ See attached certification statement.
- ☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Thomas W. Lynch/	Date (YYYY-MM-DD)	2008-03-31
Name/Print	Thomas W. Lynch	Registration Number	42820

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**